

REMARKS

[0002] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-15 and 17-44 are presently pending. Claims 1-14, 17-25, 34, 35, and 40 are amended herein. No claims are withdrawn or cancelled herein. New claim 45 is added herein.

Statement of Substance of Interview

[0004] Examiner Gishnock and Supervisory Examiner Mosser graciously met with me—the undersigned representative for the Applicant—on Apr. 29, 2008. Applicant greatly appreciates the Examiners' willingness to talk. Such willingness is invaluable to each of us in our common goal of an expedited prosecution of this patent application.

[0005] During the in-person interview, we discussed invalidity of the Paniconi reference and how the claims are distinct from the myriad of cited references. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006] The Examiners were receptive to the proposals, and I understood the Examiners to tentatively concur that the myriad of cited references do not disclose all of

the features of at least claim 9 (as presented herein), subject to an updated search when formally presented.

[0007] Applicant herein amends the claims consistent with the discussion during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited references of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Request for Withdrawal of Finality

[0010] In accordance with MPEP 706.07(d), Applicant submits that the final rejection is premature and that an RCE should not be required for continued examination at this time. Applicant formally asks that the Examiner reconsider finality of the rejections in this Action.

[0011] Applicant submits that the Examiner should withdraw finality because the amendment of claim 1 as filed on 9/6/07 was limited to incorporating the subject matter of former dependent claim 16. Former dependent claim 16 was rejected in the Office Action mailed on 4/6/07 based on a purported combination of Stelovsky and Trovato. The final rejection of claim 1, mailed on 11/21/07, is based on a purported combination of Stelovsky and Wang. Therefore, the Examiner has changed the basis of rejection of this subject matter without the Applicant taking action precipitating this change, thereby denying the Applicant the due process right to adequately respond.

[0012] Furthermore, finality of the Office Action is improper because the final rejections of claims 9-11 and 34 are based on a purported combination including Paniconi, (2007/0064806). The Paniconi reference filed Sep. 16, 2005, was filed over a year after the instant application. Therefore, Paniconi is invalid as a prior-art reference in this prosecution.

[0013] Accordingly, Applicant respectfully requests that the Office withdraw finality and completely re-examine these claims anew.

Claim Amendments and Additions

[0014] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-14, 17-25, 34, 35, and 40 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and to more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

[0015] Claims 1 and 25 are only amended to include the subject matter of former dependent claims 9 and 34, respectively, for which Paniconi was a part of the relied upon combination. Similarly, claims 23 and 40 are also amended to include the subject matter of former claim 9.

[0016] Support for the amendment to claim 8 can be found at least at pages 17, 24, and 27-28 of the specification.

[0017] Support for the amendments to claims 9 and 45 can be found at least at page 19 of the specification. Further support for the amendment of claim 45 can be found at least at original claim 11.

[0018] Support for the amendment of claim 34 can be found at least at original claim 12.

[0019] The remaining amendments to claims 2-7, 10-14, 17-24, and 35 are limited to form and maintaining proper antecedence.

Substantive Matters

Claim Rejections under § 103

[0020] The Examiner rejects claims 1-15 and 17-44 under § 103. For at least the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious. Accordingly, Applicant respectfully requests that the § 103 rejections be withdrawn and the case be passed along to issuance.

[0021] The Examiner's rejections are based upon the following twelve (12) references in combination:

- **Stelovsky:** *Stelovsky, et al.*, US Patent No. 5,782,692 (issued July 21, 1998);
- **Wang:** *Wang, et al.*, US Patent Publication No. 2002/0133764 (Published September 19, 2002);
- **Golin:** *Golin, et al.*, US Patent No. 5,990,980 (issued November 23, 1999);
- **Osberger:** *Osberger, et al.*, US Patent No. 6,670,963 (Issued December 30, 2003);
- **Paniconi:** *Paniconi, et al.*, US Patent Publication No. 2007/0064806 (Published March 22, 2007);
- **Geigel:** *Geigel, et al.*, US Patent Publication No. 2002/0122067 (Published September 5, 2002);
- **Bloom:** *Bloom, et al.*, US Patent Publication No. 2005/0042591 (Published February 24, 2005);
- **Tsai:** *Tsai, et al.*, US Patent No. 6,572,381 (issued June 3, 2003);
- **Tashiro:** *Tashiro, et al.*, US Patent No. 5,703,308 (issued December 30, 1997);
- **Trovato:** *Trovato, et al.*, US Patent No. 7,058,889 (issued June 6, 2006);
- **Kondo:** *Kondo, et al.*, US Patent No. 6,232,540 (issued May 15, 2001); and
- **Borden:** *Borden, IV, et al.*, US Patent Publication No. 2003/0200105 (Published October 23, 2003).

Overview of the Application

[0022] The Application describes personalized karaoke, wherein a user's personal home video and photographs are used to form a background for the lyrics during a karaoke performance.

Cited References

[0023] The Examiner cites Stelovsky as the primary reference in the obviousness-based rejections. The Examiner cites Wang as secondary reference, alternately Golin, Osberger, Geigel, Bloom, Tsai, Tashiro, Trovato, Kondo, and Borden as tertiary references, and Geigel and Paniconi as quaternary references in the obviousness-based rejections.

Paniconi – an Invalid Reference

[0024] Paniconi reference filed Sep. 16, 2005, was filed over a year after the instant application. Therefore Paniconi is invalid as a prior-art reference in this prosecution.

Stelovsky

[0025] Stelovsky describes an interactive system for playing a game, educational or instructional sequence in conjunction with a prerecorded multimedia presentation consisting of at least motion video, sound and accompanying text.

Wang

[0026] Wang describes a system and method for the concealment of errors resulting from missing or corrupted data in the transmission of audio signals in compressed digital packet formats.

Golin

[0027] Golin describes detection of transitions in video sequences. Frame dissimilarity measure (FDM) values are generated for pairs of frames in a video sequence that are separated by a specified timing window size, where each FDM value is the ratio of a net dissimilarity measure and a cumulative dissimilarity measure.

Osberger

[0028] Osberger describes a visual attention model that uses a robust adaptive segmentation algorithm to divide a current frame of a video sequence into a plurality of regions based upon both color and luminance, with each region being processed in parallel by a plurality of spatial feature algorithms including color and skin to produce respective spatial importance maps.

Geigel

[0029] Geigel describes automatic creation of digital image albums. A Page Creator Module utilizes a genetic engine and a layout evaluation module. The genetic engine evolves a group of images to a plurality of album pages, based on certain layout criteria. The evaluation module calculates layout criteria and compares them with user preferences.

Bloom

[0030] Bloom describes a technology for creating digital audio and video files corresponding to selected scenes from a creative production and describes a processing system that enables dialog to be selected from a scene and replaced by a user's dialog

which is automatically synchronized with the original dialog so as to be in synchronism with lip movements displayed by the accompanying video display.

Tsai

[0031] Tsai describes a computer system and karaoke system. A computer system includes storage device for storing a plurality of object files, each file including a program and information on the genre of music, and said computer [sic] system selecting an object file from the storage device and executing a program stored in the selected object file.

Tashiro

[0032] Tashiro describes a Karaoke apparatus responsive to oral request of entry songs.

Trovato

[0033] Trovato describes synchronizing visual information with audio playback, selecting a desired audio file from a list stored in memory associated with a display device, sending a signal from the display device to a separate playback device to cause the separate playback device to start playing the desired audio file; and displaying visual information associated with the desired audio file on the display device in accordance with timestamp data such that the visual information is displayed synchronously with the playing of the desired audio file, wherein the commencement of playing the desired audio file and the commencement of the displaying step are a function of the signal from the display device.

Kondo

[0034] Kondo describes a time-scale modification method and apparatus for rhythm source signals. A time-scale modification process (i.e., expansion or compression with respect to time) is effected on rhythm source signals containing waves such that rhythm sounds are not substantially changed in pitches.

Borden

[0035] Borden, IV describes a technology for hosting legacy data. To attract potential customers to a web site, the site offers inexpensive conversion and storage of legacy data.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0036] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

[0037] The twelve (12) cited references teach pre-existing multimedia presentation or separate audio and video content. None of the cited references teach the interrelationship of features as recited in the claims.

Based upon Stelovsky in view of Wang

[0038] The Examiner rejects claims 1, 2, 8, 17, 18, 20, 23-25, 27-29, 40 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky in view of Wang. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

[0039] Without conceding the propriety of any of the purported combinations of the twelve (12) cited references, because the Applicant has amended the independent claims to recite the elements in original claim 9, Applicant will address the Section 103(a) rejections of Claim 9 as they would apply to the independent claims, as amended.

Independent Claim 1

[0040] As stated by the Office, the purported combination of Stelovsky and Wang does not render this claim obvious at least because it does not teach the following elements as recited in this claim (as amended to include the subject matter of former claim 9 and with emphasis added):

- . . . selecting sub-shots such that they are **uniformly distributed** . . .

[0041] The Examiner indicates (Action, pp. 10-11) the following with regard to this element:

16. Claims 9-11 & 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stelovsky, in view of Osberger, as applied to claims 1, 8, & 25 above, and further in view of Paniconi et al. (US 2007/0064806 A1), hereinafter known as Paniconi. Stelovski and Osberger teach all the features as shown above in the rejections of claims 1, 8, and 25 above. Osberger teaches selecting important sub-shots from within the plurality of sub-shots [Claim 9], evaluating color entropy, camera motion, and object motion, and detecting objects, and selecting the important sub-shots based on the evaluation [Claim 10]; and a visual content analyzer configured to select sub-shots of a greater importance [Claim 34]. What Stelovsky and Osberger fail to explicitly teach is wherein the sub-shots are uniformly distributed over the run-time of a source video [Claims 9, 11, & 34], or evaluating normalized entropy of the sub-shots along a time line of video from which the sub-shots were obtained [Claim 11]. However, Paniconi teaches filtering video images by distinguishing a uniform pattern of motion vectors, evenly distributed across the target images in a video compression scheme [Para. 0016-0018]. It is inherent that the filtering prediction is an attention model because, in any lossy compression scheme, frames of high importance are retained in order to convey the video information while the least important frames are discarded. Paniconi also teaches normalizing the motion vectors (low pass filter, Para. 0037-0040). Normalization of data can be described as the process of removing statistical errors in data. A low pass filter removes motion error, thus normalizing the entropy of video data. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have selected important yet uniformly distributed sub-shots by evaluating normalized entropy as in Paniconi, in light of the importance indices of Osberger, in the karaoke system of Stelovsky, for the purpose of maximizing the average importance of the video sub-shot while minimizing the extraneous frames of less importance by filtering [Claims 9-11 & 34].

[0042] Applicant notes that original claim 9, dependent from claim 1, is rejected based on a purported combination of Stelovsky in view of Wang, further in view of Osberger, and further in view of Paniconi. As shown by the Office's statements above,

the combination of Stelovsky in view of Wang, relied upon in rejecting claims 1 and 8, does not teach or render obvious all of the elements and features of this claim. Furthermore, as the Office has stated, Osberger does not remedy this deficiency. At least because Paniconi is not a valid reference, and in light of the evidence above, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claims 23, 25, and 40

[0043] Independent claims 23, 25, and 40 each include at least one feature similar to the claimed feature discussed above regarding claim 1. Thus, independent claims 23, 25, and 40 are allowable over the cited combination of references for at least similar reasons as discussed above regarding claim 1. Accordingly, Applicant asks the Examiner to withdraw the rejections of these claims.

Dependent Claims 2-15, 17-22, 24, 26-39, and 41-45

[0044] These claims each ultimately depend upon one of independent claims 1, 23, 25, and 40. As discussed above, claims 1, 23, 25, and 40 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0045] For example, regarding claim 8, none of the twelve (12) cited references teach or suggest “each sub-shot comprises a segment of video of at least a predetermined length based on a length of the music sub-clips and segmented based on a magnitude of

difference between adjacent frames.” The cited references are silent regarding basing segmenting a sub-shot in a length based on a length of a music sub-clip and magnitude of difference between adjacent frames.

[0046] As another example, regarding claim 9, none of the twelve (12) cited references teach or suggest, “wherein the sub-shots being displayed are selected important and uniformly distributed sub-shots and displaying the sub-shots preserves a storyline as represented by the visual content.” The cited references are silent regarding displaying selected sub-shots during karaoke such that a storyline of the original video content is preserved. This deficiency is also applicable to claim 45.

Dependent Claims

[0047] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0048] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me or my assistant at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant



Bea Koempel-Thomas (bea@leehayes.com; x259)

Registration No. 58,213

Kasey Christie (kasey@leehayes.com; x232)

Registration No. 40,559

Customer No. **22801**

Dated: 5/21/08

Telephone: (509) 324-9256

Facsimile: (509) 323-8979

www.leehayes.com